

Wojciech Zalewski

**LIABILITY AND GUILT OF THE COLLECTIVE ENTITY
IN CRIMINAL LAW – IN SEARCH OF RATIONALITY**

The Polish model of the liability of collective entities for acts prohibited under penalty (offences) is complex, complicated and inefficient. The Author has decided to focus his considerations on the condition of guilt of the collective entity because in this aspect the nodal problems are focused as in a lens. Under the shape of applicable law, there are only few chances for the effective quasi-criminal liability of collective entities provided by the statute. The legislator's answer to the low level of prosecutors' activity is the continuous increase of criminal threats. Additionally, there were and there are philosophical, ethical and moral doubts. Looking more broadly, the rationalization of the punishment of collective entities still provokes many doubts. That is because the punishment of a collective entity affects all its employees, both responsible for the existing condition and those who do not have a direct impact on its activities. The same effect can be achieved by less severe means, f. ex. through civil law or the criminal liability of individual persons.